IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

APPEAL (LODG.) NO.167 OF 2007
IN
NOTICE OF MOTION NO.3640 OF 2006
AND
NOTICE OF MOTION NO.4044 OF 2006
IN
SUIT NO.2996 OF 2006

Nando's Indage Restaurants Pvt. Limited .. Appellant Vs.
M/s. Balkrishna Hatcheries & anr. ..Respondents.

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Shri D.J. Khambata with Shri Vishal Maheshwari i/b Khaitan & Co. for the Appellant.

Shri Virendra Tulzapurkar, Senior Advocate with Shri Virag Tulzapurkar, Senior Advocate with Ms. M. Iyer i/b Doijode Associates for Respondent No.1.

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CORAM: **R. M. S. KHANDEPARKAR, &**
DR. D.Y. CHANDRACHUD, JJ.

9th March, 2007.

P.C. :

Heard. Delay condoned. The Appeal is taken up for hearing by consent.

The Appellant challenges the order dated 12th January, 2007 passed in Notice of Motion 3640 of 2006. Upon hearing the learned advocates for the parties and perusal of the records, it is

apparent that the impugned order is an ad interim order and the Notice of Motion has been made returnable in the first week of this month itself and is presently pending for disposal before the Learned Single Judge. In these circumstances, the learned advocate appearing for the Appellant has stated that the challenge is confined to the direction issued by the Learned Single Judge for change of corporate name and the period prescribed for the same though neither in the suit nor in the Notice of Motion is there any prayer in that regard.

Since the Notice of Motion is still pending for final disposal and this being an ad interim order, we do not find it appropriate to go into the issue sought to be raised in that regard. However, suffice to observe that time to change the corporate name shall stand extended till the disposal of the Motion and the direction in that regard shall be subject to the final order to be passed in the Notice of Motion. With this observation, the Appeal is disposed of.

(R. M. S. KHANDEPARKAR, J.)

(DR. D.Y. CHANDRACHUD, J.)